UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,829	01/20/2004	Hui Li	PD030018	4457

24498   7590   12/11/2008

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EXAMINER
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ART UNIT	PAPER NUMBER
2164	

MAIL DATE	DELIVERY MODE
12/11/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<table>
<tr><td rowspan="2">Office Action Summary</td><td>Application No.
10/761,829</td><td>Applicant(s)
LI ET AL.</td><td></td></tr>
<tr><td>Examiner
Alicia M. Lewis</td><td>Art Unit
2164</td><td></td></tr>
</table>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>20 October 2008</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-3,7-9,12,13 and 15-20</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-3,7-9,12,13 and 15-20</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

This office action is responsive to the Request for Continued Examination (RCE) filed October 20, 2008. Claims 1-3, 7-9, 12 and 13 are currently amended, claims 4-6, 10, 11 and 14 are canceled, and claims 15-20 have been added. Therefore, claims 1-3, 7-9, 12, 13 and 15-20 are pending in this application.

Claim Objections

1.   Claims 1 and 7 are objected to because of the following informalities: the colon is missing at the end of line 3 of the claims. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3.   Claims 12, 13, 16 and 20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 12, 13, 16 and 20 all comprise a limitation of automatically deleting metadata after third essence data is stored in a file. However, this limitation is not described in the specification. The specification only discloses deleting metadata to clean a metadata database and

deleting metadata not used as index information (abstract, paragraphs 3, 19 and 23 of the published patent application). As such, the limitation of "automatically deleting said second metadata after the third essence data is stored into the new file" is new matter. For the purpose of examination, the automatic part of the limitation will be ignored, as there is no support for this functionality.

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5.   Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6.   Claim 17 recites the limitation "wherein said step of transferring the first essence data and/or second essence data into third essence data is performed without essence data format transformation." It is unclear as to what is meant by performing without essence data format transformation, and also as to which essence data format the claim is referring.

Claim Rejections - 35 USC § 102

7.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

applicant for patent, except that an international application filed under the treaty defined in section
351(a) shall have the effects for purposes of this subsection of an application filed in the United States
only if the international application designated the United States and was published under Article 21(2)
of such treaty in the English language.

8.   Claims 1-3, 7-9 and 17-18 are rejected under 35 U.S.C. 102(e) as being

anticipated by Jain et al. (US Patent 6,567,980 B1) ('Jain').

        With respect to claims 1 and 7, Jain teaches a method/device for processing

metadata, the metadata comprising essence data and link data, wherein essence data

comprises at least one of text, picture, video and audio data (column 6 line 41 – column

8 line 21), the method comprising the steps of:

        providing a first metadata item from a metadata database (column 3 lines 61-67),

the first metadata item including first essence data and/or link data (Figure 6, column 6

lines 41-67, column 15 lines 47-48, 51-55), wherein the link data directly or indirectly

points to second essence data different from the first essence data (column 13 lines 29-

30);

        transferring the first essence data and/or said second essence data into third

essence data, the third essence data being multimedia data not comprised in metadata

(column 13 lines 51-61, column 15 lines 47-50, 56-57, column 16 claim 7) (*key frames*

are converted to JPEG image files);

        creating a new file outside the metadata database (column 13 lines 54-56); and

        storing the third essence data into the new file (column 13 lines 54-56) (*key*

frames are converted to JPEG image files, which may be stored separately).

With respect to claims 2 and 8, Jain teaches further comprising the step of editing said first essence data and/or said second essence data under the control of a graphical user interface (column 4 line 22, column 6 lines 61-66).

With respect to claims 3 and 9, Jain teaches wherein said second essence data is included in a second metadata item as essence data (Figure 16, column 15 lines 47-55, column 13 lines 29-30) (*Jain teaches that all metadata is cross-referenced/cross-linked based on time codes. Thus time codes may represent link data and any of the described essence data of the metadata items in Figure 6, column 6 lines 41-67 may be considered second essence data included in a second metadata item. For example, the sentences of the close caption text may be considered second essence data (i.e. text data) included in the second metadata item close-caption text track*).

With respect to claim 17, Jain teaches wherein said step of transferring the first essence data and/or second essence data into third essence data is performed without essence data format transformation (column 13 lines 51-54) (*The key frames images are converted to JPEG images, which does not transform from the image format*).

With respect to claim 18, Jain teaches wherein in said step of transferring, both the first essence data and the second essence data are combined into said third essence data (column 14 lines 7-25).

Claim Rejections - 35 USC § 103

9.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10.   Claims 12-13, 15-16 and 19-20 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Jain et al. (US Patent 6,567,980 B1) ('Jain') in view of Applicant's

Admitted Prior Art (AAPA).

With respect to claims 12 and 13, Jain teaches deleting said second metadata

(column 7 lines 37-39). *Jain teaches that every data type is derived from a virtual base*

class having basic functions such as deletion. Thus is it clear that all data having

various data types may be deleted.

Jain does not teach automatically deleting said second metadata item after the

third essence data is stored into the new file.

AAPA teaches deleting metadata that is no longer utilized as index information,

i.e., metadata that has been transferred/converted and stored as essence data (page 1,

lines 26-28 of the specification).

It would have been obvious to a person having ordinary skill in the art at the time

the invention was made to have modified Jain by AAPA because deleting metadata that

is not longer utilized would enable a metadata database to be cleaned regularly (AAPA,

page 1 lines 25-26 of the specification).

With respect to claims 15 and 19, Jain teaches a method/device for cleaning a
metadata database comprising the method/device for processing metadata as claimed
in claims 1 and 8 (see rejection of claims 1 and 8 above), wherein the second essence
data is included in a second metadata item also stored in said metadata database
(Figure 16, column 3 lines 61-67, column 15 lines 47-55, column 13 lines 29-30) *Jain
teaches that all metadata is cross-referenced/cross-linked based on time codes. Thus
time codes may represent link data and any of the described essence data of the
metadata items in Figure 6, column 6 lines 41-67 may be considered second essence
data included in a second metadata item. For example, the sentences of the close
caption text may be considered second essence data (i.e. text data) included in the
second metadata item close-caption text track.*

Jain does not teach the device further comprising means for deleting from the
metadata database the first and/or the second metadata item that was transferred to the
third essence data outside the metadata database.

AAPA teaches deleting metadata that is no longer utilized as index information,
i.e., metadata that has been transferred/converted and stored as essence data (page 1,
lines 26-28 of the specification).

It would have been obvious to a person having ordinary skill in the art at the time
the invention was made to have modified Jain by AAPA because deleting metadata that
is not longer utilized would enable a metadata database to be cleaned regularly (AAPA,
page 1 lines 25-26 of the specification).

With respect to claims 16 and 20, Jain as modified teaches wherein the means for deleting the first and/or second metadata item from the metadata database deletes the first and/or second metadata item automatically from the metadata database upon storing the third essence data in the new file created outside the metadata database (AAPA, page 1 lines 26-28).

11.   Claims 12-13, 15-16 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jain et al. (US Patent 6,567,980 B1) ('Jain') in view of Bendert et al. (US 5,761,678) ('Bendert').

With respect to claims 12 and 13, Jain teaches deleting said second metadata (column 7 lines 37-39). *Jain teaches that every data type is derived from a virtual base class having basic functions such as deletion. Thus is it clear that all data having various data types may be deleted.*

Jain does not teach automatically deleting said second metadata item after the third essence data is stored into the new file.

Bendert teaches creation of clone storage area with identification of base storage area and deferred cloning of metadata (see abstract), in which he teaches automatically deleting metadata item after essence data is processed (column 9 lines 5-7).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Jain by Bendert because deleting metadata

item after essence data is processed would enable unused metadata to be deleted and

thus provide more storage space and a more efficient system.

With respect to claims 15 and 19, Jain teaches a method/device for cleaning a

metadata database comprising the method/device for processing metadata as claimed

in claims 1 and 8 (see rejection of claims 1 and 8 above), wherein the second essence

data is included in a second metadata item also stored in said metadata database

(Figure 16, column 3 lines 61-67, column 15 lines 47-55, column 13 lines 29-30)

Jain does not teach the device further comprising means for deleting from the

metadata database the first and/or the second metadata item that was transferred to the

third essence data outside the metadata database.

Bendert teaches creation of clone storage area with identification of base storage

area and deferred cloning of metadata (see abstract), in which he teaches automatically

deleting metadata item after essence data is processed (column 9 lines 5-7).

It would have been obvious to a person having ordinary skill in the art at the time

the invention was made to have modified Jain by Bendert because deleting metadata

item after essence data is processed would enable unused metadata to be deleted and

thus provide more storage space and a more efficient system.

With respect to claims 16 and 20, Jain as modified teaches wherein the means

for deleting the first and/or second metadata item from the metadata database deletes

the first and/or second metadata item automatically from the metadata database upon

storing the third essence data in the new file created outside the metadata database
(Bendert, column 9 lines 5-7).

12.   Claims 1 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over
Applicant's Admitted Prior Art (AAPA) in view of Jain et al. (US Patent 6,567,980 B1)
('Jain').

        With respect to claims 1 and 7, AAPA teaches a method/device for processing
metadata, the metadata comprising essence data and link data, wherein essence data
comprises at least one of text, picture, video and audio data (page 1 lines 17-23 of the
specification), the method comprising the step of:

        providing a first metadata item from a metadata database (page 1 line 25), the
first metadata item including first essence data and/or link data (page 1 lines 17-23),
wherein the link data directly or indirectly points to second essence data different from
the first essence data (page 1 lines 19-23);

        AAPA does not teach transferring the first essence data and/or said second
essence data into third essence data, the third essence data being multimedia data not
comprised in metadata; creating a new file outside the metadata database; or storing
the third essence data into the new file.

        Jain teaches a video cataloger system with hyperlinked output (see abstract), in
which he teaches:

transferring the first essence data and/or said second essence data into third

essence data, the third essence data being multimedia data not comprised in metadata

(column 13 lines 51-61, column 15 lines 47-50, 56-57, column 16 claim 7) (*key frames*

are converted to JPEG image files);

creating a new file outside the metadata database (column 13 lines 54-56); and

storing the third essence data into the new file (column 13 lines 54-56) (*key*

frames are converted to JPEG image files, which may be stored separately).

It would have been obvious to a person having ordinary skill in the art at the time

the invention was made to have modified AAPA by the teaching of Jain to enable a

media cataloging and media analysis application that performed indexing ad distribution

of video across an enterprise (Jain, column 2 lines 5-23).

Response to Arguments

13.   Applicant's arguments filed October 20, 2008 have been fully considered but they

are not persuasive. Applicant argues that Jain fails to disclose creating new files

outside the metadata database or transferring essence data from the metadata

database to new files outside the metadata database. Examiner disagrees. Jain

teaches that key frame images maybe converted to JPEG files, and further that the

JPEG image files may be stored in a separate directory of the cataloger file system

(column 13). Thus, the created JPEG image files represent new files outside the

metadata database because they are not stored in the metadata server, but are instead

stored in the cataloger file system. Furthermore, Jain also teaches transferring essence

data (key frame images) from the metadata server to new files (JPEG files) outside the

metadata database (in the cataloger file system).

14.   Applicant's arguments with respect to claims 12, 13 and 15-20 have been

considered but are moot in view of the new ground(s) of rejection. However, the

Examiner would like to note that limitation that Applicant argues with respect to claims

12 and 13 (automatically deleting metadata) is not supported in the specification. The

specification does not describe automatically deleting metadata.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Alicia M. Lewis whose telephone number is 571-272-

5599. The examiner can normally be reached on Monday - Friday, 9 - 6:30, alternate

Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Charles Rones can be reached on 571-272-4085. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. M. L./
Examiner, Art Unit 2164
December 7, 2008

/Charles Rones/
Supervisory Patent Examiner, Art Unit 2164